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Steven I. Weisburd DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			GRAHAM, C	GRAHAM, CLEMENT B		
1177 Avenue of the Americas			ART UNIT	PAPER NUMBER		
41st Floor			3628			
New York, NY	10036-2714		DATE MAILED: 03/24/2006			

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Office Action Commence	09/897,594	NEYMAN ET AL.	NEYMAN ET AL.				
Office Action Summary	Examiner	Art Unit					
	Clement B. Graham	3628					
The MAILING DATE of this communication a Period for Reply	ppears on the cover sheet with the	e correspondence addr	ess				
A SHORTENED STATUTORY PERIOD FOR REF WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory perions - Failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION  1.136(a). In no event, however, may a reply be  ad will apply and will expire SIX (6) MONTHS froute, cause the application to become ABANDO	ON. timely filed om the mailing date of this comi NED (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 29	June 2001.						
· · ·	nis action is non-final.						
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	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4) Claim(s) 1-39 is/are pending in the application	on.						
4a) Of the above claim(s) is/are withdi							
5) Claim(s) is/are allowed.	am nom conclusion.						
6)⊠ Claim(s) <u>1-39</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and	/or election requirement.						
Application Papers	vor orocitor roquironicini.						
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9) The specification is objected to by the Exami							
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the							
Replacement drawing sheet(s) including the corre		<del>-</del>	, ,				
11) The oath or declaration is objected to by the	Examiner. Note the attached Office	ce Action or form P1O	J-152.				
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreignal All b) Some * c) None of:	gn priority under 35 U.S.C. § 119	(a)-(d) or (f).					
1. Certified copies of the priority docume							
2. Certified copies of the priority docume							
3. Copies of the certified copies of the pr		ived in this National St	tage				
application from the International Bure	• • • • • • • • • • • • • • • • • • • •						
* See the attached detailed Office action for a li	st of the certified copies not recei	ved.					
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summa						
<ul> <li>2)</li></ul>	Paper No(s)/Mail 5) Notice of Informa	Date Il Patent Application (PTO-1	52)				
Paper No(s)/Mail Date <u>3/5/03, 11/18/03</u> .	6) Other:	Ferrange (	•				

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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 20-96, are rejected under 35 U.S.C. 102(e) as being anticipated by Hereinafter Togher et al (Hereinafter Togher U.S Patent 6, 996, 541).

As per claim 1, Togher discloses an anonymous trading system for trading fungible instruments between traders; comprising:

a communications network for transmitting electronic messages;

a plurality of order input devices connected to the communications network each for generating electronic order messages including bid and/or offer orders and for communication to a trader of price information received from others of said plurality of trader terminals over the network(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

at least one matching engine connected to the network for matching orders input into the system from the order input devices and for assisting in executing deals where prices are matched;

market distribution means connected to the network for distributing price messages to the trader terminals, the market distribution means being responsive to the price messages and the matching engine(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

a plurality of order input device interface means, each order input device interface means having order input devices representing at least one trading floor connected

thereto for communication of electronic order messages to the at least one matching engine and for communication of price messages and deal information messages to the connected trader terminals; wherein the order input device interface means and the matching engine further comprise means for matching and executing a plurality of orders linked together(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31) such that all said linked orders are either- executed together or all said linked orders are rejected together. (Note abstract and see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

As per Claim 2, Togher discloses wherein the means for executing a plurality of linked orders comprises means at the matching engine for matching each of the orders comprising the plurality of linked orders, and means for rejecting the linked orders if less than all the orders comprising the linked order are matched. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 3, Togher discloses wherein the electronic order messages are invisible hit orders. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

As per claim 4, Togher discloses wherein the hit orders are persistent. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

As per claim 5, Togher discloses a comprising a plurality of matching engines, said plurality of matching engines including a taker matching engine connected to the order input device interface means to which the order input device submitting the linked order is connected, wherein the means for matching each of the orders comprising the plurality of linked orders is located at the taker matching engine. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

As per claim 6, Togher discloses wherein the means for matching and executing a plurality of linked orders comprises means for generating and sending to the matching engine an instruction to match and execute a plurality of linked orders. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

As per claim 7, Togher discloses wherein the means for generating and sending to the matching engine an instruction to match and execute a plurality of linked orders includes means for identifying each of the orders to be matched and means for indicating that the orders are linked. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

As per claim 8, Togher discloses wherein the means for matching and executing a plurality of linked orders comprises, at the order input device interface means to which an order input device submitting a linked order is connected, means for receiving a message from the matching engine indicating that an order is executable and means for completing each of the orders comprising the plurality of linked orders when executable order messages have been received for each of the linked orders. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

As per claim 9, Togher discloses wherein the means for receiving executable order messages and for completing each order comprises means for adjusting the amount of one or more of said plurality of orders. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 10, Togher discloses wherein the means for completing each of the orders comprising the plurality of linked orders comprises means for simultaneously completing each of the linked orders. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 11, Togher discloses wherein the order input device interface means comprises means for converting a single order message input from a connected order input device into a plurality of linked orders. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 12, Togher discloses wherein the single order message input from a connected order input device comprises an order for a trade between a first and second currency pair and the order input device interface means converts the order into an order for a trade between the second and a third currency pair and a linked order for a trade between the first and the third currency pairs. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 13, Togher discloses comprising at least one broking node, each broking node comprising one of said at least one matching engines and a market distribution means. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 14, Togher discloses wherein the broking node further includes the order input interface means. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 15, Togher discloses comprising a plurality of said broking nodes. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 16, Togher discloses an anonymous trading system for trading instruments between traders; comprising:

a plurality of order input devices;

a network of brokers, each broker comprising a matching engine for matching bids and offers entered into the system and for assisting in executing deals where orders are matched, and market distribution means for distributing price messages to order input

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devices(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31) a plurality of trading agents, each trading agent being connected to a broker and providing an interface between a trading floor of said order input devices and the broker to which the trading agent is connected, wherein;

at least one of said plurality of trading agents and the broker to which it is connected include means for matching and executing joint execution orders comprising a plurality of orders linked together wherein such that all of said linked orders are either executed together or all said linked orders are rejected together. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per Claim 17, Togher discloses wherein each of said plurality of brokers and connected trading agents comprise said means for matching and executing joint execution orders. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 18, Togher discloses an anonymous trading system for trading instruments between traders comprising:

a plurality of order input devices;

a network of brokers, each broker comprising a matching engine for matching bids and offers entered into the system and for assisting in executing deals where orders are matched, market distribution means for distributing price messages to order input devices, and an interface between a trading floor of said order input devices and the broker, wherein at least one of the brokers comprises means for matching and executing joint execution orders comprising a plurality of orders linked together wherein such that all of said linked orders are ester- executed together or all of said linked orders are rejected tom. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 19, Togher discloses wherein each of said plurality of brokers comprise said means for matching and executing joint execution orders. (see column 2

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lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 20, Togher discloses wherein said means for matching and executing joint execution orders includes, at each trading agent, means for converting a simple order for a first transaction type input from a order input device connected to the trading agent into a joint execution order for a second and third transaction type. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 21, Togher discloses wherein said means for matching and executing joint execution orders includes, at each broker, means for converting a simple order for a first transaction type input from a order input device connected to the broker into a joint execution order for a second and third transaction type. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 22, Togher discloses wherein said first transaction type is a currency pair having first and second currencies, said second transaction type is a second currency pair comprising said first currency and a third currency and the third transaction type is a third currency pair comprising said second currency and said third currency. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 23, Togher discloses wherein the means for matching joint execution orders comprises, at the broker, means for matching each order of the compound order and, if less than all of the orders can be matched, for rejecting the joint execution order. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 24, Togher discloses wherein the joint execution orders are invisible hits. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 25, Togher discloses wherein the joint execution orders are persistent whereby the broker stores one or more orders of the joint execution order

that cannot be matched immediately for a given time and attempts to match the stored orders with quotes subsequently entered into the system and passed to the broker. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 26, Togher discloses wherein the means for matching and executing joint execution orders comprises means at the trading agent for sending to the broker a message instructing a joint execution order. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 27, Togher discloses wherein the means for matching and executing joint execution orders comprises means for receiving a message indicating that each of said orders comprising said joint execution order is executable and means for completing the joint execution order only when all orders in the joint execution order are executable. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 28, Togher discloses wherein an order is executable only after completion of a credit check on the counterparty. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 29, Togher discloses wherein the means for matching and executing joint execution orders comprises means for adjusting the volume of each of the orders to correspond to the volume of the smallest executable order of the joint execution order. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 30, Togher discloses an anonymous trading system for trading instruments between traders, comprising:

a plurality of order input devices;

a network of matching engines for matching orders comprising bids and offers and for assisting in executing deals where orders are matched(see column 2 lines 24-67 and

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column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

a plurality of market distribution means for distributing bid and offer information to trader terminals, the market distribution means being responsive to the matching engine and to bids and offers entered into the system;

a plurality of interfaces between trading floors comprising one or more of said order input devices, and the matching engines(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

wherein at least one of the interfaces and associated matching engines comprise means for matching and executing joint execution orders comprising a plurality of linked orders, and include means for rejecting a joint execution order if less than all the plurality of linked orders are executable. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 31, Togher discloses wherein said means for executing joint execution orders comprises means for reducing the volume of each of the orders of the plurality of linked orders to the volume of, or in proportion to the volume of, the smallest executable order. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 32, Togher discloses wherein each of said plurality of matching engines and associated interfaces comprise said means for matching and executing joint execution orders. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 14, Togher discloses wherein said means for matching and executing joint execution orders includes, at each of said plurality of interfaces, means for converting a simple order for a first transaction type input from a trader terminal connected to the interface into a joint execution order for a second and third

transaction type. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 34, Togher discloses wherein said first transaction type is a currency pair having first and second currencies, said second transaction type is a second currency pair comprising said first currency and a third currency and the third transaction type is a third currency pair comprising said second currency and said third currency. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 35, Togher discloses an anonymous trading system for trading synthesised currency pairs between traders comprising:

a plurality of order input devices;

a network of matching engines, each matching engine matching bid and offer orders entered into the system and assisting in the execution of deals where bid and offer orders have been matched(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

market distribution means for distributing information relating to bid and offer orders in the system to the trader terminals;

a plurality of interfaces between trading floors each having one or more of the quote input devices and the matching engines(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

means for synthesising bid and offer orders for transactions between a pair of currencies having a first currency and a second currency from bid and offer orders entered into the system for transactions between a currency pair comprising the first currency and a third currency and bid and offer orders entered into the system for transactions between a currency pair comprising the second currency and the third currency; means at the matching engines and the interfaces for matching and executing joint execution orders comprising a plurality of orders linked together wherein such that all of said linked orders are either- executed together or all of said linked orders are

a plurality of trader terminals;

rejected together, and wherein(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

the interfaces further include means for converting a bid or offer order in said synthetic currency pair into a joint execution order comprising an order in each of said currency pair comprising the first and third currency and said currency pair comprising the second and third currency. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 36, Togher discloses wherein said bid or offer order in said synthetic currency pair is an invisible order. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 37, Togher discloses wherein said bid or offer order in said synthetic currency pair is a persistent order. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 38, Togher discloses an anonymous trading system for trading instruments between traders comprising:

offer orders entered into the system and for assisting in executing deals where orders are matched, and market distribution means for distributing price messages to trader terminals(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

a network of brokers, each broker comprising a matching engine for matching bid and

a plurality interfaces between trading floors of said trader terminals and the brokers; wherein the interfaces each further comprise means for entering compound orders comprising a series of bid or offer orders and a deal limit, wherein the sum of the orders is greater than the deal limit, and the brokers each comprise means for cancelling the orders in the compound order when an amount

equal to the deal limit has been executed. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

As per claim 39, Togher discloses an anonymous trading system for trading synthesised currency pairs between traders comprising: a plurality of order input devices;

at least one matching engine for matching bid and offer orders entered into the system and assisting in the execution of deals where bid and offer orders have been matched(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31). market distribution means for distributing information relating to bid and offer orders in the system to the trader terminals;

means for synthesising bid and offer orders for transactions between a pair of currencies having a first currency and a second currency from bid and offer orders entered into the system for transactions between a currency pair comprising the first currency and a third currency and bid and offer orders entered into the system for transactions between a currency pair comprising the second currency and the third currency(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

means for matching and executing joint execution orders comprising a plurality of orders linked together wherein such that all of said linked orders are either- executed together or all of said linked orders are rejected together(see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31)

and means for converting a bid or offer order in said synthetic currency pair into a joint execution order comprising an order in each of said currency pair comprising the first and third currency and said currency pair comprising the second and third currency. (see column 2 lines 24-67 and column 3 lines 1-67 and column 4 lines 1-48 and column 5 lines 1-65 and column 6 lines 1-67 and column 16 lines 1-31).

## Conclusion

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Norris (US Patent 5, 940, 811) teaches closed loop financial transaction method and apparatus.

Tooheyl (US 6, 405, 176 Patent) teaches method for processing multiple electronic shopping carts.

Anderson (US 5, 283, 829 Patent) teaches system and method for paying bill electronically.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

March 15, 2006

FRANTZY POINVIL
PRIMARY EXAMINER